

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Hoogland	Examiner:	Castellano, Stephen J.
Serial No.:	10/511,567	Group Art Unit:	3781
Confirmation No.:	4185	Docket:	294-201 PCT/US
Filed:	July 5, 2005	Dated:	June 4, 2009
For:	COLLAPSIBLE CONTAINER FROM PLASTIC AND METHOD AND MOLD FOR THE MANUFACTURE THEREOF		

Commissioner for Patents
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Michelle Flaherty
(Printed Name)

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office Action mailed February 12, 2009, the Examiner has imposed a Restriction Requirement to one of the following inventions under the provisions of 35 U.S.C. §121 and §372:

- I. Claims 1-18 (Group I) drawn to a container;
- II. Claims 19-20 (Group II) drawn to a mold; and
- III. Claim 21 (Group 3) drawn to a method.

In response to the Restriction Requirement, Applicant elects the subject matter defined by Claims 1-18 (Group I) with traverse.

Applicant respectfully submits that Claims 19-20 drawn to a mold should be maintained together with Claims 1-18 in that the mold defined in Claims 19-20 is specifically adapted for molding a container having the features of Claim 1. In particular, the mold defined in Claims 19-20 is adapted for injection molding a collapsible container with living hinges at defined locations, which enable the sidewalls and bottom of the container to be folded in a manner as set forth in Claim 1. Therefore, it is believed that the mold claims belong in the same group as the container product claims and reconsideration of the restriction requirement is respectfully requested.

In the Office Action, the Examiner has further required an election of one of the following disclosed species, under 35 U.S.C. § 121, to which the claims shall be restricted if no generic claim is finally held to be allowable:

1. The embodiment of Figure 1 (Species A);
2. The embodiment of Figure 4 (Species B); and
3. The embodiment of Figure 6 (Species C).

In response, Applicant elects without traverse the species disclosed by Figure 6 and Claims 1-18, which are readable thereon.

Applicant notes that the Examiner has identified Claims 1-3 as being readable on Figure 1, Claims 1, 4-6 and 8 as being readable on Figure 4 and Claims 1, 9-12 as being readable on Figure 6. Applicant respectfully disagrees.

Applicant points out that Figures 1, 4 and 6 respectively show the different embodiments of the invention with successive, additional features. In other words, Figure 4

shows the embodiment of Figure 1 with additional features (e.g. fourth and fifth hinge means), while Figure 6 shows the embodiment of Figure 4 with still further additional features (e.g., sixth hinge means). Thus, Figure 6 shows all of the features of Figures 1 and 4 plus additional features.

Accordingly, Applicant has elected the species shown in Figure 6 and submits that all of the Claims 1-18 are readable on the elected species. In this regard, it is noted that all of the features defined in Claims 1-18 can be found in Figure 6.

Nevertheless, the Examiner notes that Claim 1 is generic and, therefore, if independent Claim 1 is deemed allowable, Applicant respectfully requests consideration of all claims which are dependent upon Claim 1.

In view of the present election, it is believed that this application is in condition for further consideration and examination. If resolution of any remaining issues is required prior to examination of the application, it is respectfully requested that the Examiner contact Applicant's undersigned attorney at the telephone number provided below.

Respectfully submitted,

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